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Fulfilling our collective responsibility: international assistance and the responsibility to protect

Report of the Secretary-General

Summary

The present report outlines the ways in which national, regional and international actors can assist States in fulfilling their responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It responds to the decision by the General Assembly in its resolution 63/308 to continue consideration of the responsibility to protect, in the light of its endorsement by States in paragraphs 138 to 140 of the 2005 World Summit Outcome. It also draws on the first report of the Secretary-General, in 2009, on implementing the responsibility to protect (A/63/677), which established the three pillar framework for the responsibilities enshrined in the principle.

The present report, which focuses on pillar II, begins by recalling the nature and dynamics of the atrocity crimes outlined in the World Summit Outcome. It goes on to identify the approach and principles that should guide efforts to assist States in the fulfilment of their protection responsibilities, and the various actors that could contribute to the responsibility to assist. The core section elaborates on three main forms of pillar II support, namely, encouragement, capacity-building and protection assistance, and provides examples of good national, regional and international practice. The report concludes by identifying challenges to the implementation of pillar II of the responsibility to protect and provides concrete recommendations on how this important agenda may be advanced. It also sets out possible next steps for Member States to continue considering the responsibility to protect, given the upcoming 10-year anniversary of the 2005 World Summit.

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I. Introduction

1. In paragraphs 138 and 139 of the 2005 World Summit Outcome (see General Assembly resolution 60/1) all Heads of State and Government affirmed that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This includes a responsibility to prevent the commission of such acts (pillar I). They also declared that the international community should encourage and help States to exercise this responsibility, support the United Nations in establishing an early warning capability, and assist those which are under stress before crises and conflicts break out (pillar II). Lastly, Member States confirmed the responsibility of the international community to help to protect populations using diplomatic, humanitarian and other means, as well as their readiness to take collective action, in a timely and decisive manner and in accordance with the Charter of the United Nations, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations (pillar III).

2. The responsibility to protect encapsulates a powerful imperative: the international community has a collective responsibility to help to protect populations from acts that have been defined as international crimes.[1] It emerged following the failure of the international community to prevent genocide in Rwanda and Srebrenica and is one distinct element of broader, long-standing efforts to protect populations from acts that have shocked the global conscience. The responsibility to protect is a political principle that shares some common elements with the concept of the protection of civilians in armed conflict, but has a more narrow focus on protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity,[2] and draws on a broader range of tools and approaches for prevention and response.

3. The responsibility to protect has been reaffirmed by the Security Council in its resolutions 1674 (2006), 1894 (2009), 2117 (2013) and 2150 (2014). Resolution 2150 (2014), adopted on the twentieth anniversary of the genocide in Rwanda, also recalled the important role of my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect. The Council has continued to refer to the responsibility of States to protect their populations in country-specific resolutions and, in relation to some of these situations, has authorized action to assist the State to protect its populations from atrocity crimes.[3]

4. In its resolution 63/308, the General Assembly agreed to continue its consideration of the responsibility to protect. At its most recent informal debate on the principle in September 2013, Assembly Members expressed interest in the Secretary-General's views on pillar II. The present report responds by assessing how

[1] The present report uses the term "atrocity crimes" to refer to the four acts specified in paragraph 138 of the World Summit Outcome Document. Genocide, war crimes and crimes against humanity are established as crimes under international criminal law; ethnic cleansing, while not defined as a distinct crime, includes acts that will regularly amount to one of the crimes, in particular genocide and crimes against humanity.

[2] See paragraph 21 of the 2012 report of the Secretary-General on the protection of civilians in armed conflict (S/2012/376) and paragraph 16 of the 2012 report of the Secretary-General on the responsibility to protect: timely and decisive response (A/66/874).

[3] See Security Council resolutions 2085 (2012) on the situation in Mali, 1996 (2011) on the situation in South Sudan and 1975 (2011) on the situation in Côte d'Ivoire.

a variety of actors, working in partnership, can encourage States to fulfil their primary responsibility to protect; assist them in building capacities that will make them more resilient to the risk factors for atrocity crimes; and add to their protection capacities in situations of emerging or ongoing crisis. It builds on previous reports addressing the implementation of the responsibility to protect (A/63/677), early warning and assessment (A/64/864), the role of regional and subregional arrangements (A/65/877-S/2011/393), timely and decisive response (A/66/874-S/2012/578) and State responsibility and prevention (A/67/929-S/2013/399). The report also incorporates the views of Member States, regional and international organizations and civil society actors, which were consulted during its preparation and provided examples of international assistance that have helped States to fulfil their protection responsibilities.

5. My annual reports on the responsibility to protect reflect a deep commitment to move the principle from the realm of rhetoric into concrete action. An elaboration of pillar II is long overdue, given its central place in this critical task of implementation. The everyday reality of populations in current crises, including those in the Central African Republic, Iraq and South Sudan, also illustrates vividly why such international assistance is more important than ever. The range of acute protection challenges confronting the international community today, including those related to the rise of extremist groups, highlights the urgent need to provide earlier and more effective forms of support to States to prevent the slide into systematic violence and atrocity crimes.

6. If properly conceived and consistently executed, international assistance as part of pillar II can reinforce the efforts that States are already making to protect their populations from atrocity crimes, and reduce the likelihood of collective response by the international community under pillar III. That is why I have steadfastly maintained that the three pillars of the responsibility to protect are of equal weight, mutually reinforcing and non-sequential. In implementing these pillars, it should also be remembered that the crucial question is not whether or not the responsibility to protect "applies" in a given situation, since States have a responsibility to protect their populations everywhere and at all times, but rather how best to use the specific measures available under each pillar to prevent and respond to atrocity crimes.

II. The nature and dynamics of atrocity crimes

7. Designing appropriate forms of international assistance under pillar II requires a clear understanding of the specific nature of genocide, war crimes, ethnic cleansing and crimes against humanity and the particular form of violence that they represent. The need to identify opportunities for prevention early on has also contributed to a better understanding of how atrocity crimes develop. While events may unfold differently in each context, three main stages can be identified.

8. The first stage is characterized by the presence of one or more factors that raise the general risk of atrocity crimes. As noted in my 2013 report on State responsibility and prevention (A/67/929-S/2013/399), these can include the presence of armed conflict or other forms of instability; a record of serious violations of international human rights and humanitarian law, including persistent patterns of discrimination; economic deprivation and related disparities; weaknesses in State structures; motives or incentives to commit atrocity crimes, including the presence

of an exclusionary ideology; the absence of mitigating factors; and the presence of actors with the capacity to engage in such crimes. Preventive action at this stage requires more structurally focused strategies designed to help to build national resilience. The principal objective is the creation of State structures and institutions that are functioning and legitimate, respect human rights and the rule of law, deliver services equitably, and can address or defuse sources of tension before they escalate.

9. The likelihood of atrocity crimes increases during the second stage, transforming a situation of general risk into one presenting more specific threats. This stage is often initiated by a crisis or political transition that triggers upheaval and exacerbates existing grievances. However, atrocity crimes may not be committed unless there is an explicit drive to target or exclude a particular group, marginalize moderate elements, and mobilize armed groups, often through the spread of propaganda. This phase may also involve more frequent and serious human rights violations.

10. The third stage, imminent risk of atrocity crimes, is marked by increased violations of the right to life and physical integrity, a rise in other human rights abuses, systematic targeting of specific groups, including political opposition, and efforts at self-protection by those being targeted. Addressing the shocks and crises typical of the second and third stages requires more targeted measures that reflect the shorter time available to prevent crimes from being committed. These measures may target either a particular group at risk or address specific challenges, such as restricting the availability of arms that could be used to commit atrocity crimes.

11. These three stages imply that assistance measures under pillar II are not necessarily restricted to early-stage prevention, but can also encompass support to States facing imminent or ongoing atrocity crimes.

III. Spirit of pillar II

Sovereign equality

12. At the 2005 World Summit, States committed to assist one another to succeed in fulfilling their responsibility to protect, not just to react if they fail. Pillar II is therefore a reminder that the responsibility to protect is intended to reinforce, not undermine, sovereignty. The principle was not designed to create a hierarchical structure in which the international community imposes demands or solutions on States. Rather, it reaffirms the fundamental principle of sovereign equality, expressed in Article 2 of the Charter of the United Nations. As sovereign equals, States have both reciprocal rights and responsibilities and participate, as peers, in the creation and maintenance of international rules, norms and institutions. The responsibility to protect is meant to inspire cooperation among a variety of actors that are equally committed to protecting populations from atrocity crimes.

Collective responsibility

13. Paragraphs 138 and 139 of the World Summit Outcome also articulate a collective responsibility to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The key conceptual move made by the principle of the responsibility to protect was to shift the discussion from the discretion or right of third parties to intervene to the responsibility that a variety of actors have, at different levels, to assist in protecting potential victims of atrocity

crimes. Collective responsibility is a demanding but more inclusive idea. Rather than simply providing support to States when they are in need, international assistance under pillar II contributes to fulfilling a collective responsibility.

Common principles of assistance

14. To exercise this collective responsibility effectively, a common set of principles should guide the efforts of national, regional and international actors to assist States under pillar II:

(a) Ensure national ownership

15. National actors are usually best placed to identify risk factors for atrocity crimes and to develop effective mitigation strategies. Experience has shown that international assistance has more impact when aligned with national priorities. In turn, national strategies must be reflective of society as a whole. Efforts to prevent or respond to atrocity crimes can succeed only if they are the product of inclusive processes that engage national and local authorities, as well as civil society, including human rights organizations, traditional leaders and women's groups.

(b) Build mutual commitment

16. The success of a State's efforts to protect its population from atrocity crimes depends on the commitment of national actors to fulfil their responsibility. Where a genuine will to build resilience is lacking at the national level, or where there is no agreement among national actors on the objectives and the approach to take, the potential contribution of outside actors will be limited. At the same time, international partners should seek to provide coherent and coordinated assistance that reinforces national efforts, respects inclusive national decision-making processes and commits to sustained support that recognizes the long-term nature of building resilience to atrocity crimes.

(c) Do no harm

17. Experience has shown that poorly designed international assistance can inadvertently create or exacerbate social cleavages, thereby contributing to the development of atrocity crimes. International support or technical advice that contributes to discrimination and disparities or causes groups to compete over sources of revenue is particularly damaging. International partners should therefore make all possible effort to "do no harm" by incorporating atrocity crime prevention into the assessment, planning and monitoring processes that guide their assistance.

(d) Prioritize prevention

18. Paragraph 139 of the World Summit Outcome expresses the commitment of the international community to assist States under stress before crises and conflict break out. Acting early not only increases the likelihood of being able to address latent risks before they escalate, but is also more cost-effective. Although this is widely recognized, the international community continues to systematically underinvest in prevention and to react only at the brink of crises.

(e) Retain flexibility

19. The risk of atrocity crimes varies according to the context and changes over time. International assistance must therefore be designed both to respond to a specific situation and to adapt to evolving needs, in particular with respect to States under stress. Flexibility entails a willingness to adjust programming regularly to achieve desired outcomes and to review the effectiveness of assistance while it is being provided.

Partnerships

20. Many actors have a role to play in implementing pillar II. Those with the proximity, trust, knowledge, capacity or legitimacy to best provide assistance may take the lead in certain situations. This does not absolve other actors, however, of their continuing responsibility to support policies that are directed at atrocity crime prevention and response. The most effective forms of international assistance are likely to involve partnerships among a range of actors, as discussed in paragraphs 21 to 27 below.

21. Given its legitimacy and global character, the United Nations is a central part of the architecture for assisting States under pillar II. The General Assembly has a unique ability to convene States, elaborate international norms and principles that facilitate the protection of populations, and galvanize resources to support States to fulfil their commitments. The Human Rights Council, human rights treaty bodies and special procedures mandate-holders encourage and make recommendations to States to meet their pillar I responsibility to protect, and help to identify potential risks of atrocity crimes through their ongoing monitoring role. The Security Council authorizes assistance to States through peacekeeping operations and special political missions, but also addresses related thematic agendas, such as sexual and gender-related violence in armed conflict. The Peacebuilding Commission has a mandate to provide sustained support for peace efforts in countries emerging from conflict, including, in some cases, those that have suffered from atrocity crimes. Particular United Nations programmes, funds, specialized agencies, country teams and independent human rights mechanisms also have essential roles to play under pillar II, by facilitating access to expertise and ensuring that capacity-building efforts enhance national resilience to atrocity crimes.

22. Several other international organizations provide assistance that directly and indirectly helps States to fulfil their responsibility to protect. The World Bank, for example, has expanded its support to States that have suffered from conflict and other forms of violence, including through its Statebuilding and Peacebuilding Fund. The International Criminal Court and the principle of positive complementarity established by the Rome Statute and other international criminal accountability mechanisms also aim to assist States in protecting their populations by sharing information, training national prosecutors and investigators and combating the impunity that facilitates atrocity crimes.

23. States that are closer to events often have access to more detailed information, may have a more nuanced understanding of the history and culture of a State, are likely to be more directly affected by the consequences of atrocity crimes, and may be critical to the effective delivery of international assistance. Neighbouring States can lead in identifying capacity gaps and serving as conduits for the flow of information, ideas and strategies between national and international actors.

However, a legacy of tension or the presence of political or economic interests may, in some cases, limit the positive role of neighbouring States or contribute to greater instability. In some instances, more distant actors may have a broader or more balanced perspective and be better placed to assist.

24. As noted in my 2011 report on the role of regional and subregional arrangements (A/65/877-S/2011/393), fostering more extensive and effective collaboration between regional and global bodies is central to implementing the responsibility to protect. Cooperation among the United Nations, the African Union and the Intergovernmental Authority on Development (IGAD) to support peace processes and political dialogue in the Sudan and South Sudan and the joint efforts of the United Nations, the Economic Community of West African States (ECOWAS) and the African Union to foster peace in the Sahel region provide powerful examples of how regional organizations can contribute under pillar II. These joint approaches are more likely to build trust across borders, promote both security and development, address transnational threats to populations and facilitate the exchange of civilian expertise. Other regional organizations, such as the Association of Southeast Asian Nations (ASEAN), the European Union and the Organization of American States (OAS), also have key economic and political instruments that can be used to assist local and national authorities, as well as civil society, in responding to the risk of conflict or instability.

25. The increasing number of global and regional networks of States dedicated to preventing atrocity crimes opens new avenues for partnership and mutual assistance. The work of the Global Network of Responsibility to Protect Focal Points, Global Action Against Mass Atrocity Crimes and the Latin American Network for Genocide and Mass Atrocity Prevention demonstrates how shared objectives and lessons learned from past experience may help States to identify effective protection strategies.

26. Private sector actors can contribute to building resilience by strengthening local economies and employing a workforce inclusive of all social groups. In some cases, private sector expertise can be mobilized through public-private partnerships to enhance the impact of national measures aimed at atrocity prevention. On the other hand, experience shows that businesses can both indirectly contribute to the commission of atrocity crimes through their operations and business practices, particularly in extractive industries, and directly enable those engaged in such acts through their products and services. Private sector actors can reduce this risk by complying with the 2011 United Nations Guiding Principles on Business and Human Rights and ensuring that their commercial activities do not exacerbate social cleavages. They could also consider developing risk management tools that explicitly incorporate atrocity crime risks.

27. Civil society plays a vital role in providing and advocating for international assistance under pillar II. Local civil society actors have knowledge of and access to early warning information that many other actors do not and can hold national authorities accountable. International civil society organizations can encourage the development of a vibrant national civil society, that includes a prominent role for women and young people, and support the development of national and community-based approaches to prevention. These efforts complement more formal types of international assistance aimed at strengthening national resilience.

IV. Forms of assistance

28. Development assistance that enhances equality and social justice can have a positive impact in helping States to meet their protection responsibilities. However, while traditional development cooperation has a central role to play, assistance to States in the context of the responsibility to protect will also involve a wider range of economic, political, humanitarian and, in certain cases, military tools. My 2009 report on implementing the responsibility to protect (A/63/677) identified three broad categories of assistance under pillar II:

- Encouraging States to meet their responsibility to protect by disseminating relevant legal standards and normative commitments, reminding States of the importance of adherence and engaging in dialogue on ways to fulfil their responsibility
- Building national capacities to prevent atrocity crimes through training, institution-building and active sharing of best practices
- Assisting States to protect in situations of emerging or ongoing crisis through the provision of additional capacity or expertise.

A. Encouragement

29. Encouragement can take two forms. First, international actors can encourage States to fulfil their pillar I responsibilities through awareness-raising and norm dissemination. Second, international actors can use confidential or public dialogue to remind States under stress of the importance of meeting their responsibility to protect and addressing signs of impending crisis.

Encouragement to meet pillar I responsibilities

30. The first type of encouragement is part of broader efforts to undertake structural atrocity prevention and involves the dissemination of human rights and humanitarian standards and norms, as well as education of national authorities and the wider public on the nature and dynamics of atrocity crimes. The discourse and practices developed around the Geneva Conventions and their additional protocols, the Convention on the Prevention and Punishment of the Crime of Genocide and core international human rights instruments serve to reinforce State adherence to legal norms prohibiting atrocity crimes. All State parties to such legal instruments have an obligation to ensure their implementation.

31. Peer review and assessment mechanisms provide a particularly powerful form of encouragement and serve as a reminder that no society is immune to the risks of genocide, war crimes, ethnic cleansing and crimes against humanity. Human Rights Council sessions and the universal periodic review process provide opportunities to raise concerns about human rights violations that could constitute risk factors for atrocity crimes and for conveying recommendations for corrective action. The public nature of these processes establish particular incentives for States to address their pillar I responsibilities. In addition, the engagement of both special procedures mandate-holders of the Human Rights Council and independent experts of the human rights treaty bodies provide a vital mechanism for engaging in dialogue with States on human rights concerns and atrocity crime risks.

32. The Office of the United Nations High Commissioner for Human Rights (OHCHR) also encourages States to meet their protection responsibilities, including by supporting the implementation of human rights standards, the development of national human rights institutions and support for commissions of inquiry into allegations of serious violations of human rights and international humanitarian law that could constitute atrocity crimes. In Côte d'Ivoire, for example, OHCHR provided the commission of inquiry established by the Human Rights Council with information to assist its investigation into allegations of serious violations of human rights following the presidential election of November 2010. It also provided technical support to national judicial institutions, which helped to facilitate the first two national trials for crimes committed during the country's post-electoral crisis.

33. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator has a specific mandate to advocate, both publicly and privately, for populations at risk and in need of protection and assistance, including with the General Assembly and the Security Council. The Office for the Coordination of Humanitarian Affairs also seeks to strengthen the commitments of Member States to the protection of civilians in armed conflict.

34. Regional actors and initiatives are particularly well-placed to provide focused encouragement. Examples include the OAS Inter-American Commission on Human Rights, the Council of Europe and in particular its European Court of Human Rights, the African Peer Review Mechanism, the Regional Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination of the International Conference on the Great Lakes Region, the ASEAN Regional Forum and the League of Arab States. I encourage States to invest in strengthening existing regional mechanisms so that they incorporate a focus on preventing atrocity crimes and to consider creating them in regions or subregions where peer-to-peer discussion on the prevention of atrocity crimes is lacking.

35. All forms of encouragement should focus particular attention on the protection of the most vulnerable populations. Security Council resolution 1325 (2000) on women and peace and security, along with subsequent resolutions 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013) and the efforts of my Special Representative on Sexual Violence in Conflict, highlight the importance of encouragement aimed at upholding prohibitions related to conflict-related sexual violence. Similarly, the work of my Special Representative for Children and Armed Conflict and of the United Nations Children's Fund (UNICEF) encourages States to implement guidelines for child protection and assist in the development of national action plans. In both domains, civil society organizations have been active in disseminating global standards and encouraging the creation of national strategies to address sexual and gender-based violence and promote child protection.

Dialogue and preventive diplomacy

36. The second type of encouragement applies in particular situations of concern and involves the use of preventive diplomacy to reduce the vulnerability of populations to atrocity crimes. Whereas preventive diplomacy has traditionally sought to resolve disputes before they escalate, it can be used by actors in more targeted ways under pillar II. Confidential dialogue or various forms of public exchange can both remind national actors in States under stress of their

responsibility to protect their population and offer advice on courses of action that can mitigate the risks of atrocity crimes.

37. Some regions have institutionalized these forms of preventive diplomacy. For example, the High Commissioner on National Minorities of the Organization for Security Cooperation in Europe (OSCE) conducts field missions and undertakes early warning, operating on the basis of quiet diplomacy. Similarly, the Panel of the Wise of the African Union has a mandate to use its good offices to encourage parties to a dispute to resolve their differences non-violently. In Latin America, leaders have united to collectively support neighbours under stress through the Union of South American Nations. In 2008, the Union created a commission to support dialogue in the Plurinational State of Bolivia following a period of violent political unrest. These and similar bodies can be used to reiterate the importance of respecting international human rights and humanitarian law and signal the potential costs of non-compliance.

38. The United Nations, led by the Department of Political Affairs, also uses preventive diplomacy to defuse tensions and work towards non-violent solutions, and can stress the importance of States fulfilling their responsibilities to protect populations from atrocity crimes. Indeed, I have repeatedly encouraged States to do so, both publicly and privately, through the use of my good offices or, in some cases, through the appointment of special envoys. I intend to continue to build political will to act by drawing international attention to ongoing or impending situations of genocide, war crimes, ethnic cleansing and crimes against humanity. The United Nations High Commissioner for Human Rights and my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect also respond to situations of concern by offering States both public and private encouragement.

B. Capacity-building

39. Atrocity crime prevention begins at the national and local levels, but can be effective only if States have the structures, means and knowledge necessary to foster resilience. International assistance can have a substantial impact by helping to build two sets of capacities. The first set is generally aimed at creating effective, legitimate and inclusive governance, while the second set is specifically directed at creating "inhibitors" to the commission of atrocity crimes. The term "inhibitor" refers to particular capacities, institutions and actors that help to prevent escalation from risk to imminent crisis.

40. In undertaking this form of international assistance, actors need to consider not only what capacities they seek to build, but also how they can best be built. Experience suggests that capacity-building should begin with a thorough needs assessment, so that international actors take account of existing structures, and involve extensive consultation with national and local actors. Such efforts must also entail more than the establishment of formal institutions. The culture and spirit that pervade those institutions are equally important, since they establish shared norms and principles among those who occupy positions of authority. In addition, international capacity-building assistance should couple the provision of technical advice on different aspects of governance with concrete support and skills development for those who can serve as "watchdogs" and hold authorities to account. Finally, capacity-building efforts under pillar II should include mechanisms

to measure their impact, so that local support for international assistance is continually maintained.

Effective, legitimate and inclusive governance

41. A number of regional and international actors are engaged in building national capacities for effective, legitimate and inclusive governance. While the priorities depend on the context, the central components most often entail assistance to develop or strengthen participatory and accountable political institutions, respect for the rule of law and equal access to justice, and mechanisms for the fair and transparent management of economic resources and assets. These bedrocks of good governance can remove core sources of grievance and minimize the risks of genocide, war crimes, ethnic cleansing and crimes against humanity. To further the aims of atrocity prevention, international assistance to build these capacities should focus particular attention on addressing horizontal inequality in society, which frequently results from the systematic exclusion of particular groups from civil, political, economic, social and cultural rights.

42. Assisting national authorities to promote and protect the rights of cultural, ethnic, national, linguistic and religious minorities is one important element of this approach. However, recent crises, which demonstrate an alarming rise in religious intolerance, discrimination based on ethnicity, religion, or political affiliation, and restrictions in public freedoms, suggest that international assistance needs to go a step further, in order to promote the creation of truly integrated institutions. Integrated institutions are representative of society as a whole, foster regular inter-communal dialogue and problem-solving and create a shared stake in a country's future. The principles and advice contained in the Ljubljana Guidelines on the Integration of Diverse Societies, developed by the OSCE High Commissioner for National Minorities, offer a useful resource for this kind of capacity-building.

Specific inhibitors of atrocity crimes

43. In addition to these broader preventive efforts, experience with societies that have witnessed genocide, crimes against humanity, war crimes and ethnic cleansing suggests that international assistance should focus on building specific inhibitors that enable States to address the early signs of crisis that could lead to the commission of atrocity crimes. These inhibitors contribute to the development of effective, legitimate and inclusive national institutions, but also have a more direct and targeted impact on mitigating atrocity crime risks. The following seven capacities are particularly important:

(a) Professional and accountable security sector

44. International actors, through the provision of materials, training and advice, can assist in building a security sector capable of responding to threats posed by armed non-State actors that may have the motive and means to commit atrocity crimes. However, capacity-building must be more broadly conceived, for two reasons. First, a State's security forces may themselves collude or actively engage in the commission of such crimes. Those providing assistance should therefore insist on safeguards against potential abuse, including robust civilian oversight, and retain the right to cease security sector cooperation if the objective of atrocity crime prevention is compromised.

45. Second, material capacity should be complemented by assistance to promote professionalism, respect for international human rights and humanitarian law and accountability, so that the armed forces, law enforcement and intelligence services engender the trust of the population. These objectives guide the Organization's overall approach to security sector reform, both through the human rights due diligence policy on United Nations support to non-United Nations security forces and through programmes to build specific capacities. In Colombia, for example, the capacity-building efforts of OHCHR led to a new legal framework on the functioning of the intelligence services and the establishment of a parliamentary intelligence oversight committee. The International Security Sector Advisory Team, established to support regional and international actors engaged in security sector reform, also provides specific advice on ways to ensure that security sector personnel reflect the diversity of the population, act impartially and operate within clearly established mechanisms for detecting and sanctioning wrongful behaviour. Going forward, those engaged in security sector assistance, including within the inter-agency Security Sector Reform Task Force, could build specific modules on the nature and dynamics of atrocity crimes into their training programmes.

(b) Impartial institutions for overseeing political transitions

46. Political transitions, particularly elections, can sometimes trigger violence that could lead to atrocity crimes. If sectors of the population perceive an election to lack fairness, inclusiveness or transparency, there is a greater likelihood that they will resort to violence or that conflict entrepreneurs with an incentive to encourage violence may be able to mobilize groups for their own ends. An important inhibitor to these negative dynamics is an impartial and competent electoral commission that can stand apart from narrow economic and political interests, ensure the integrity of an election and announce the results in a timely and impartial fashion.

47. The assessment of the causes of alleged crimes committed in Kenya following the December 2007 election, including crimes against humanity, found that in addition to underlying grievances, mistrust in the electoral institutions contributed to the inter-ethnic violence that gripped the country and delays in announcing results fuelled suspicion of electoral fraud. A number of reforms were undertaken to improve public confidence and reduce the risk of atrocity crimes during the 2013 elections, including the technical and financial support provided by the United Nations Development Programme (UNDP) and donor States to Kenya's Independent Electoral and Boundaries Commission.

(c) Independent judicial and human rights institutions

48. An impartial and independent judiciary offers two particular ways of mitigating the risk of atrocity crimes. First, it is a mechanism for redressing grievances that constitutes an alternative to the violent or extralegal strategies that might otherwise trigger atrocity crimes. Second, it provides the means of bringing those who plan, incite or commit atrocity crimes to justice, thereby assisting implementation of the International Criminal Court's core principle of complementarity.

49. Institutions empowered to protect human rights, including national human rights institutions and ombudsman's offices, can also act as inhibitors to atrocity crimes. These independent institutions, which should respect the 1993 Paris Principles adopted by the General Assembly, not only respond to individual

complaints but can also identify and make public which kinds of statements constitute incitement to violence, based on ethnic or religious hatred.

50. Efforts to strengthen these rule-of-law-related institutions are often most effective when they avoid a "one size fits all" approach and seek to empower local and national actors. A bottom-up strategy that builds on the formal and informal justice systems that already exist is more likely to enjoy widespread legitimacy and serve as a foundation for subsequent reforms. This approach has been employed in Sierra Leone, for example, where the historical role of Paramount Chiefs in dispute resolution has been recognized through their participation in Parliament and local governance institutions.

(d) Capacity to assess risk and mobilize early response

51. National capacity to prevent and respond to atrocity crimes can be enhanced by regular assessments of risk factors, evidence of mobilization and the vulnerability of different population groups. Such assessments can also be used to shape other kinds of international assistance, such as development cooperation, so that policies pursued in one domain will not have an adverse effect on another.

52. While each State will develop a risk assessment framework appropriate to its own context, the guidance provided by civil society organizations dedicated to preventing atrocity crimes or the framework of analysis developed by my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect,[4] can help to identify atrocity risks and vulnerabilities in a State's capacity to address them. Regional organizations that have advanced early warning mechanisms, such as the European Union, the African Union, IGAD and ECOWAS, can also advise States on risk factors relevant to their situation. In some cases, risk assessments can be implemented jointly or in cooperation with development partners. As part of the framework of the New Deal for Engagement in Fragile States, for example, the European Union and other international partners have supported Somalia in the development of a fragility self-assessment. Information alone is not enough, however. Relevant facts and analysis must be provided in a timely and accessible way to policymakers in a position to act.

(e) Local capacity to resolve conflicts

53. Capacity-building assistance should also concentrate on informal mechanisms, both local and national, that can foster dialogue and reconciliation and mediate on specific matters. With the assistance of UNDP, for example, Guyana has created an Ethnic Relations Committee, which has helped to build governmental and civil society capacity to respond effectively to events that could trigger atrocity crimes. The sources of tension will vary, ranging from disputes over land and other resources, religion and ethnicity to political succession, but by promoting indigenous solutions, these mechanisms can build a culture of peaceful dispute resolution and reduce the need for international mediation.

54. The role of traditional and religious leaders in defusing social tensions may be especially relevant at a local level, and some promising initiatives have been designed to reinforce their efforts. The Mediation Support Unit of the Department of

[4] The analysis framework is available in the official languages of the United Nations from http://www.un.org/en/preventgenocide/adviser/.

Political Affairs, the United Nations Alliance of Civilizations, Finn Church Aid, the Organization of Islamic Cooperation and the non-governmental organization Religions for Peace have established the Network of Traditional and Religious Peacemakers as a means of enhancing the positive contribution such processes can make to resolving inter-communal tensions.

(f) Media capacity to counteract prejudice and hate speech

55. Hate speech that constitutes incitement to violence has often encouraged perpetrators to commit atrocity crimes. Countering these destructive messages, which can make atrocity crimes appear desirable or permissible, is an important inhibitor to their commission. As tools for receiving and transmitting information, the media can either provide a powerful pathway for propaganda, negative stereotypes and incitement or serve as a key tool for contesting their arguments or preventing their dissemination.

56. International actors can support the positive role of media by assisting the development of research and investigative capacity of journalists, legislation regarding incitement, and codes of conduct and ethical standards for journalists that promote truth telling and impartial reporting. The best way to defeat incitement is for respected local figures and organizations to contest it in the print media, on radio and television, on the Internet and social media, and in face-to-face communication. In Côte d'Ivoire, where hate speech has contributed to communal violence, the United Nations Operation in Côte d'Ivoire (UNOCI) has used its broadcasting capacity to promote a peaceful environment and has been tasked by the Security Council to monitor and report on incitement to hatred, violence or intolerance.

(g) Capacity for effective and legitimate transitional justice

57. Given that a major risk factor for atrocity crimes is the past commission of such acts and a record of impunity, effective and legitimate transitional justice mechanisms, which look forward as well as backward, should be a key focus for capacity-building under pillar II. International partners, often working in close collaboration with the United Nations, have provided critical support to hybrid transitional justice efforts, including the Extraordinary Chambers in the Courts of Cambodia, the Special Court for Sierra Leone and the War Crimes Chamber of the Court of Bosnia-Herzegovina. Beyond effective judicial remedies for the crimes committed, international actors can help to finance outstanding property claims, establish durable solutions for the displaced, and facilitate the restoration of citizenship for victims. The assistance given by the International Criminal Court to victims of the Lord's Resistance Army in northern Uganda is a good example of this broader approach. In addition, given the central role of education in fostering social cohesion and a sense of individual responsibility, international assistance in post-conflict contexts could pay particular attention to educational reforms that promote the value of diversity and instruction on the causes and consequences of atrocity crimes.

58. Transnational justice efforts directed at addressing sexual and gender-based crimes is a particular priority. As indicated in my 2014 report on conflict-related sexual violence (S/2014/181), the lack of sufficient national capacity and expertise to investigate and prosecute such crimes remains a serious obstacle to accountability. International and regional actors have sought to address these gaps in a variety of countries. In the Democratic Republic of the Congo, for example,

representatives from the Team of Experts on the Rule of Law and Sexual Violence in Conflict, working with UNDP, have provided support to investigation and prosecutions by military magistrates and military mobile courts, including through the prosecution support cells designed and supported by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Beyond these legal accountability mechanisms, Security Council resolution 1888 (2009) called upon States, with support from the international community, to provide victims of sexual violence with better access to legal assistance, health care and social and economic reintegration services and to address structural factors that contribute to violence against women and girls.

C. Assisting States to protect their populations

59. In addition to capacity-building assistance, States under stress or facing an impending crisis may request temporary international help, either to deny those with the motivation to commit atrocity crimes the means of doing so or to boost their existing protection capacities.

Denying the means to commit atrocities

60. International and regional actors should cooperate to stem the flow of small arms and light weapons, illicit financing and other forms of illegal trafficking, especially by strengthening cross-border customs cooperation and information-sharing networks. Efforts to deny perpetrators the means to commit atrocity crimes are particularly important when launched at an early stage. The Arms Trade Treaty is a significant step forward in this respect and reinforces the obligation of States not to knowingly provide arms that could be used for atrocity crimes. In addition, Security Council resolution 2117 (2013), which explicitly recognized that the misuse of small arms and light weapons has resulted in grave crimes, emphasized the need to actively assist States in addressing the destructive accumulation and spread of such weapons, including in countries subject to Security Council-mandated arms embargoes, through the help of United Nations peacekeeping forces. In some cases, international companies operating in a State under stress can also assist in protecting the population by ensuring that their products, services or technologies are not directly or indirectly contributing to systematic violence or serious human rights violations.

Civilian assistance

61. Neighbours, regional and international organizations and civil society can also respond to State requests for civilian resources to strengthen their ability to protect vulnerable populations. Enhancing the international community's ability to draw on and deploy specialized civilian capacity in a timely manner would particularly help States under stress. Assistance in the following five areas is likely to have the greatest impact:

(a) Dispute resolution expertise

62. International actors can provide advice and expertise to support local mediation and dispute resolution efforts. The Mediation Support Unit in the Department of Political Affairs makes technical expertise available through the deployment of its standby team and roster of mediation experts and has developed

United Nations Guidance for Effective Mediation. Member States have also engaged in both national and regional initiatives to support local mediation efforts, such as the Group of Friends of Mediation led by Finland and Turkey and the Mediation and Facilitation Unit recently established by ECOWAS.

(b) Human rights monitoring

63. Assistance to expand national and local capacity to monitor and report human rights abuses is especially important in situations where there is a risk of atrocity crimes. OHCHR field offices, human rights components of peacekeeping operations and some special political missions of the United Nations often have a mandate to fulfil this role. In cases such as Afghanistan, Colombia, Guinea, Iraq, Mali and South Sudan, United Nations human rights monitors can identify vulnerable populations, provide early warning, engage with national authorities to address violations and risks, or even protect through their presence, by deterring human rights violations that may amount to atrocity crimes. Regional organizations, including the African Union, ECOWAS, the European Union and OSCE, also deploy human rights experts, either through their own missions or through contributions to United Nations authorized peacekeeping missions. Given the important role they play, States and intergovernmental organizations could invest more in recruitment, training and deployment of human rights experts, including under the United Nations framework.

(c) Law enforcement and criminal investigation

64. The temporary deployment of senior police officers can often help national actors to meet the multifaceted challenges of law enforcement during periods of stress. The police components of United Nations peacekeeping operations have made significant contributions, including in Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Kosovo, Liberia and Sierra Leone. This need for assistance also extends throughout the justice sector. Where the capacity to investigate and prosecute atrocity crimes is limited, international assistance may be the only means of determining facts, preserving due process and holding perpetrators to account.

(d) Protection of refugees and the internally displaced

65. In situations of crisis, the Office of the United Nations High Commissioner for Refugees (UNHCR), sometimes working in collaboration with non-governmental organizations such as the Norwegian Refugee Council, can offer concrete forms of protection by supporting requests for asylum or protecting refugees in safe facilities. UNHCR staff can serve not only to prevent the commission of atrocity crimes or their escalation, but can also provide crucial information about refugees and internally displaced persons that can be used to enhance the protection capacity of the State and other regional or international actors.

(e) Protection of civilians in humanitarian emergencies

66. Both at the field and global levels, humanitarian actors undertake coordination and protection efforts under the framework of the humanitarian protection clusters. In humanitarian emergencies, these clusters identify, analyse and actively respond to the protection needs of affected populations. This assistance not only enhances

national efforts to protect populations at risk, but also contributes to mitigating conditions conducive to the commission of atrocity crimes.

Peacekeeping and stabilization assistance

67. States may in some cases seek assistance from regional or international military forces to protect civilians subject to or at risk of atrocity crimes. For example, the Regional Assistance Mission to the Solomon Islands, established in 2003 at the request of the Government of the Solomon Islands and with the full participation of the Pacific Islands Forum, provided comprehensive military, civilian and police support to national authorities to help to protect the population by disarming military and criminal groups, establishing the rule of law, and holding perpetrators accountable through criminal justice mechanisms. In addition, the protection of civilians is now regularly included in Security Council mandates for peacekeeping missions and remains at the heart of efforts in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, South Sudan, the Sudan and elsewhere, where atrocity crimes have either been committed or where there is a risk that such crimes continue to be committed. In some cases, such as Security Council resolution 1996 (2011) establishing the United Nations Mission in South Sudan (UNMISS), peacekeepers were explicitly mandated to support national authorities in implementing their responsibility to protect. In other cases, such as MONUSCO, missions have created innovative and flexible measures to provide security in areas where civilians are under imminent threat, such as through the use of quick reaction forces, temporary deployments of military contingents, and standing and mobile patrols.

68. Much has been learned about civilian protection in volatile situations. The Department of Peacekeeping Operations has created training modules to enhance peacekeepers' understanding of their role in protecting civilians and is working, through the use of mobile training teams, to ensure that peacekeepers internalize this guidance before deployment. However, this alone is not enough; training requires a stronger commitment on both sides. It is essential for troop- and police-contributing countries to proactively ensure that their personnel are trained in the specifics of such mandates and understand the implications involved in their implementation.

69. Beyond training, stronger coordination between human rights monitors and peacekeeping forces is essential to ensure that assessments of risk to different population groups are built systematically into peacekeeping operation strategies and tactics. As suggested in my 2013 report on the protection of civilians in armed conflict (S/2013/689), improved tracking of civilian casualties in the field and the establishment of a common United Nations system to record civilian casualties would facilitate these efforts. In addition, greater donor support for women protection advisers could increase the protection capacity of national, regional and international military personnel in situations where conflict parties are suspected of committing rape and other forms of sexual violence.

V. Challenges and recommendations

70. The three main forms of international action under pillar II, namely, encouragement, capacity-building and protection assistance, can support States to succeed in meeting their pillar I responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and avoid more

controversial measures under pillar III. Yet, fulfilling our collective responsibility to assist States will require a number of actors to do things differently and to embed knowledge of atrocity crimes and their dynamics more consciously into core operations.

71. The United Nations has already taken a concrete step in this direction. The Rights Up Front Action Plan, which I initiated in response to the Organization's failures during the final stages of the conflict in Sri Lanka, calls for a system-wide effort to prevent and respond to the risk of or ongoing serious violations of international human rights and humanitarian law, including those that could lead to atrocity crimes. Rights Up Front, using the breadth of United Nations mandates, ensures that United Nations entities recognize a collective responsibility to strengthen the link between early warning and early action, and brings human rights protection to the centre of the work of the Organization. Other actors, including at the regional and national levels, are also making significant progress by developing explicit strategies for atrocity prevention and response. For example, the European Union, in cooperation with other regional organizations and civil society, has significantly strengthened its early warning and conflict analysis capacity in order to better target the assistance it provides. However, while these positive initiatives are welcome, implementing pillar II will require overcoming a set of challenges.

Challenges

72. First, the multifaceted agenda under pillar II can appear daunting. There is no easy way to simplify the tasks or the sustained commitment involved in helping States to meet their responsibility to protect. Nevertheless, lessons have been learned about the most effective forms of international assistance. The objectives of pillar II can be met both by using existing resources in smarter ways and by designing strategies that prioritize the specific inhibitors for atrocity crimes.

73. Second, there is still too little will to operationalize prevention. This is manifest most clearly in the reluctance of States to place country situations on the agenda of regional or international organizations before they reach a crisis point. It is also reflected in the resource allocations of many Member States, which still prioritize crisis response, and in the concern of some States about subjecting themselves to peer review.

74. Part of the solution to the challenge of prevention lies within the World Summit Outcome itself, in which States committed themselves to assisting those which are under stress before crises and conflicts break out. The implementation of the responsibility to protect should focus on giving greater meaning and specificity to this pledge. Preventive efforts would be enhanced by investing in methodologies to analyse prevention outcomes, which are notoriously hard to prove, and by securing agreement among States on what constitutes a State "under stress".

75. Third, the implementation of the responsibility to protect coincides with a climate of fiscal restraint in many countries. However, the current resource constraints also offer an opportunity to fundamentally re-examine the allocation of resources and revise existing frameworks. Pillar II assistance is also a wise and long-term investment, given the much greater cost of acting once a crisis occurs and the social and economic devastation facing countries that experience atrocity crimes. The forms of international assistance outlined in the present report can help to focus efforts and encourage a division of labour.

76. Lastly, pillar II emphasizes assistance to States. This is particularly relevant in cases where a non-State actor is preying upon the civilian population. However, when a Government actively exploits State structures to commit atrocity crimes, strengthening national institutions becomes untenable. Even in such situations, however, international actors can continue to encourage the State to fulfil its protection responsibilities and offer assistance. The 2014 report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63) calls upon States and the Special Rapporteur to continue their engagement efforts with the Democratic People's Republic of Korea in what remains one of the most challenging environments for implementing the responsibility to protect. International actors can also address State-driven mobilization for atrocities by helping civil society groups to develop the political and organizational skills to oppose the proponents of atrocity crimes, keeping international attention focused on the threat to populations, and offering to assist with efforts to punish or isolate perpetrators. As Secretary-General, I have a particular responsibility in such situations to act as a spokesperson for those who are vulnerable and threatened.

Recommendations

77. Successful implementation of the pillar II agenda necessitates coordinated action from those identified in the present report, in order to avoid overburdening national actors or fragmenting international assistance. A key precondition for coordination is a shared understanding of the core priorities: intensifying efforts to encourage States to meet their responsibility to protect; investing in capacity-building programmes that address horizontal inequalities and buttress specific inhibitors of atrocity crimes; and deploying additional capacity to States under stress to boost their ability to protect populations. More specifically, I call upon Member States to:

- Leverage existing mechanisms and institutions to encourage States to fulfil their responsibility to protect, including the peer-review processes of the Human Rights Council and relevant regional organizations
- Invest in tools to encourage States to fulfil their responsibility to protect in situations of emerging or ongoing crisis, such as good offices and preventive diplomacy
- Improve existing forms of national, regional and international assistance by incorporating atrocity crime risks and dynamics into conflict analysis and expanding existing guidance to include policy options for atrocity crime situations
- Focus existing capacity-building efforts on eliminating horizontal inequalities and design or strengthen capacity-building programmes aimed at the seven inhibitors of atrocity crimes
- Enhance the availability and expertise of specialized civilian resources and expand training programmes for peacekeeping, security and law enforcement personnel in atrocity crime risk factors and dynamics
- Ensure that international assistance under pillar II is coordinated and coherent, including by improving the exchange of information on priorities and programmes aimed at mitigating atrocity crime risks

- Support the early warning and capacity-building efforts of the Office on Genocide Prevention and the Responsibility to Protect and invest in the ability of the United Nations to recruit, train and deploy human rights experts
- Support efforts to better monitor and evaluate the impact of preventive actions
- Strengthen regional and international networks for atrocity crime prevention.

VI. Renewed commitment to protection

78. In addition to taking these practical steps to enhance international assistance under pillar II, the upcoming year offers an opportunity for States to renew and further the commitment made at the World Summit to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This task could not be more urgent, given the continued subjection of populations to atrocity crimes despite the pledge of "never again". The time has come for a stronger global partnership to implement our collective responsibility to protect, inspired by the common principles outlined in the present report.

79. The consensus that has developed since 2005 on many elements of the responsibility to protect can serve as a basis for moving forward. First and foremost, States have agreed that the scope of the responsibility to protect is "narrow but deep": narrow because it is restricted to the protection of populations from atrocity crimes, but deep given the array of measures required for its implementation. Second, States have reiterated that the primary responsibility to protect lies with national authorities and that no society is immune to the risk of atrocity crimes. At the same time, States have acknowledged that the three pillars of the responsibility to protect support one another and that none would be effective standing alone. Third, States consistently declare that prevention is the most important aspect of the responsibility to protect, given the inherent limitations of attempting to address a crisis that is already under way. They also recognize, however, that it is not always possible to draw a clear line between prevention and response. Lastly, States insist that the international community's implementation of its responsibility to protect must be in accordance with the Charter of the United Nations and other established principles of international law. They also stress that timely and decisive response, under pillar III, should emphasize diplomatic, political and humanitarian measures, leaving military force a matter of last resort.

80. As the tenth anniversary of the World Summit, 2015 is an opportune moment for the General Assembly to build on this consensus and take stock of efforts to implement the responsibility to protect. As part of this process, Member States may wish to consider the inclusion of the responsibility to protect on the formal agenda of the General Assembly. Such an assessment could offer the chance for deeper consideration of the impact of the responsibility to protect to date, challenges related to each of the three pillars, and gaps in the protection capacities of national, regional and international actors. I encourage Member States to seize this opportunity to craft an ambitious vision for the next decade of the responsibility to protect: a principle that has become a core part of the world's armour for protecting vulnerable populations from the most serious international crimes and violations.